



CRAIG BIRLIE

An aerial view of the North Dakota Capitol in Bismarck where Game and Fish Department officials dealt with more hunting and fishing issues in 2005 than any other session.

North Dakota Game and Fish Department officials were kept busy during the 2005 state legislature as more bills involving hunting and fishing issues were considered than in any other session.

When the session ended in late April, 33 of 58 bills affecting the Department made it through the House and Senate and were signed into law by Governor John Hoeven.

The new laws take effect August 1, 2005, unless otherwise stated. More information on the bills is available on the Game and Fish website at discovernd.com/gnf.

BILLS THAT BECAME LAW

HB 1018 – Appropriates \$50,056,084 for the Game and Fish Department for the biennium beginning July 1, 2005, and ending June 30, 2007, and allows (but does not require) the Governor, by proclamation, to provide a pheasant hunting season for youth ages 12-16 on the Saturday and Sunday preceding the opening of the regular pheasant season.

HB 1062 – Prohibits a landowner from participating in the deerproof hayyard program if he or she allows commercial hunting for big game on a majority of acres owned and operated in exchange for compensation, and who posts a majority of the acres owned and operated to prohibit big game hunting.

HB 1066 – Changes the license vendor bond fee to \$10 for \$15,000 coverage.

HB 1094 – Net proceeds of up to \$15,000 per biennium from the sale of furs and skins must be used by the U. S. Department of Agriculture Wildlife Services to fund its program activities that benefit the state's livestock producers.

HB 1100 – Provides protection of Game and Fish Department records of biological data, and the name, address and electronic address of an individual participating in a wildlife harvest survey.

HB 1102 – Requires a landowner or tenant to receive permission from the Game and Fish Director before catching or killing a depredating black bear, and a depredating black bear or mountain lion captured or killed must be turned over to the Department. Also requires the Game and Fish Department, in cooperation with tribal authorities, to assess the status of mountain lions in North Dakota, and report findings to the legislative council before July 1, 2006.

HB 1137 – Requires compliance with bait vendor administrative rules prior to issuance of a wholesale or retail bait vendor license.

HB 1138 – Eliminates outdated sections of the North Dakota Century Code regarding U. S. Bureau of Reclamation property at Heart Butte, Grant County, and clarifies where interest earned by the Game and Fish fund is to be used.

HB 1189 – Establishes a new private land hunting access program supplemented by local funds.

HB 1193 – Allows landowners who have already received landowner elk licenses, to participate in a weighted lottery to receive additional licenses. Previously, a landowner who received a license under this section was not eligible to apply in future years.

A bill allows the Governor by proclamation to provide a pheasant hunting season for young hunters ages 12-16 the weekend before the regular pheasant opener.

HB 1220 – Allows battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of 4x32 mm on crossbows. An individual who is blind and receives a special permit to hunt game with a crossbow under this subsection may hunt only on a preserve or area approved by the Game and Fish Director.

HB 1238 – Corporations and partnerships are eligible for a gratis deer license, with the license issued in the name of a shareholder, member or partner.

HB 1239 – Allows upland game hunters to drive off trail, except during the deer gun season, with written consent from the landowner. Previously, upland game hunters could not drive off trail.

HB 1276 – Revises hunting guide and outfitter laws, including lands available to guide on, and requires permission before hunting on certain lands.

HB 1366 – An individual who has been convicted of illegally taking a moose, elk or bighorn sheep, is ineligible to apply for or receive a bighorn sheep, elk or moose license. This law also prohibits the individual from participating in an elk or moose raffle sponsored by a nonprofit organization.

HB 1395 – Increases the per diem of Game and Fish advisory board members from \$50 to \$62.50.

HB 1402 – Licenses that remain after the fall turkey drawing are available to residents and nonresidents, with the nonresident fee at \$80. Previously, nonresidents were not eligible to apply for turkey licenses.

HB 1419 – Allows the Governor, by proclamation, to establish a procedure to issue elk depredation management licenses in a timely manner.

HCR 3002 – A concurrent resolution urging Congress and the U.S. Fish and Wildlife Service to repeal regulations restricting hunting of migratory waterfowl on agricultural crops that have not been harvested and subsequently manipulated.

HCR 3005 – A concurrent resolution directing the legislative council to study the utilization of land owned by state agencies and institutions, the best use of state-owned land, and whether the state should establish an inventory of state-owned land.

HCR 3026 – A concurrent resolution urging the U.S. Army Corps of Engineers to maintain the level of Lake Sakakawea at a minimum elevation of 1,825 feet mean sea level.

SB 2041 – An individual hunting with a tribal hunting license within the exterior boundaries of an Indian reservation on Indian trust



CRAIG BIERLE

land or land owned by an Indian is not required to possess a state license to hunt on such lands. Previously, hunters who were not tribal members had to purchase a state hunting license to hunt anywhere on a reservation.

SB 2100 – Clarifies the term “resident” for Game and Fish purposes.

SB 2113 – The legislative council shall study during the 2005-06 interim issues related to hunting and fishing by nonresidents, and nonresidents who are former residents, and report its findings and recommendations, together with any legislation required to implement the recommendations, to the 60th legislative assembly.

SB 2141 – Revises the boating under the influence law (this law included an emergency clause and went into effect May 1, 2005). Previously, it was a generic law, but now includes specifics, such as defined blood alcohol content (.10) and time periods when penalties are served.

SB 2220 – Entitles a nonresident to hunt sandhill cranes with a crane permit, and either a nonresident waterfowl or nonresident small game license. Previously, a nonresident could only hunt cranes with a crane permit and a nonresident small game license.

SB 2256 – Creates a statewide nonresident waterfowl hunting license for \$125, with \$40 of the fee to be used for the Private Land Open To Sportsmen program. In 2004, there was not a statewide waterfowl license available to nonresidents.

SB 2290 – Establishes guidelines for the operation and regulation of private shooting preserves.

SB 2294 – Regulates wholesale bait vendor licenses (effective immediately).

SB 2334 – Allows any nonresident full-time student living in the state who is attending an institution under the jurisdiction of the state

board of higher education, a private institution of higher education, or a tribal college, to obtain a resident hunting or fishing license, excluding a lottery license.

SB 2338 – Establishes a management plan for prevention and control of aquatic nuisance species.

SB 2367 – Makes the nonresident small game license valid for 14 days instead of 10.

SB 2369 – Creates a nonresident 10-day fishing license for \$25, and eliminates the current seven-day \$20 license (effective 2006).

BILLS THAT FAILED

HB 1049 – Would have lowered the deer license fee for a resident hunter after the second lottery from \$20 to \$10. Failed House 4-86.

HB 1058 – Would have required the legislative council to consider studying, during the 2005-06 interim, Game and Fish laws, rules, and proclamations, with the objective of establishing which laws, rules, and proclamations should most appropriately be addressed by the legislative assembly, administrative rulemaking, or gubernatorial proclamations. Passed House 70-20. Failed Senate 2-42.



Under North Dakota's new aquatic nuisance species law, boaters won't be required to clean plant material from their boats when they leave a lake or river, but stern penalties are possible for anyone who contributes to the spread of ANS.

HB 1101 – Would have increased the age from 10 to 12 for those required to wear a life jacket while in a boat. Failed House 29-62.

HB 1118 – Would have increased the number of nonresident any-deer bow licenses from 15 percent to 20 percent of the prior year's mule deer gun licenses. Failed House 1-89.

HB 1269 – Would have provided two wild turkey licenses to the National Wild Turkey Federation to be used for a raffle or auction. Failed House 38-52.

HB 1285 – Would have made one white-tailed or mule deer license available to North Dakota Quality Deer Management, Inc. to be used for a raffle or auction. Failed House 9-82.

HB 1296 – Would have restricted suspension of hunting or fishing privileges to persons with felony convictions only, and would have repealed laws that prohibit hunting under the influence. Failed House 1-87.

HB 1317 – Would have changed the fee for a resident antlered deer gun license to \$35 and a resident antlerless deer gun license to \$10. Passed House 58-28. Failed Senate 11-34.

HB 1338 – Would have required hunters to seek landowner permission before hunting on private land. Failed House 24-69.

HB 1339 – Would have decreased the nonresident small game license fee from \$85 to \$6, eliminated the nonresident small game 10-day license, and allowed nonresidents to hunt the first week of the pheasant season on Game and Fish lands, including PLOTS acreage. Failed House 24-62.

HB 1343 – Would have prohibited state agencies from informing the public that it is legal to hunt on lands not posted. Failed House 14-74.

HB 1356 – Would have allowed a member of a group deer hunting party to take a white-tailed deer for another member of that party, as long as that member was present and hunting together in the same area. Failed House 19-73.

HB 1367 – Would have made it unlawful for any person to place any substance within 1,000 feet of adjacent land for the purpose of baiting or attracting big game to enter that person's property. Failed House 32-59.

HB 1388 – Would have made it unlawful for a person to hunt within 100 yards of an occupied building without consent of the person occupying the building, and a person would not have been able to hunt or pursue game upon the premises of another within 440 yards of an occupied building, without consent of the person occupying the building. Failed House 19-72.

HB 1393 – Would have increased the maximum number of white-tailed deer licenses available for outfitters from 100 to 150. Failed House 21-72.

HB 1400 – Would have replaced the Director of the Game and Fish Department on the natural areas advisory board committee with the executive vice president of the North Dakota Stockmen's Association. Failed House 41-49.

HB 1422 – Would have specified no fewer than eight nonresident waterfowl hunting zones, and the number of nonresident licenses issued in each zone would have been set by using a formula to create equal hunting opportunities within each zone. Failed House 44-49.

HB 1423 – Would have required identification by signage and publication of all grant and nongrant lands that are open to hunting, prohibited closing of these lands to hunting, and prohibited a guide or outfitter from operating on any lands belonging to the state. Failed House 40-51.

HB 1447 – Would have allowed the use of a .22 magnum firing a hollow point bullet to take wild turkeys. Failed House 4-87.

HB 1451 – Would have allowed gratis license holders, who do not post any of their land during the deer gun season, to hunt within the entire unit in which the land described in the completed application is located. Failed House 0-92.

HB 1502 – Would have required state agencies acquiring privately-owned land to dispose of an equal or greater acreage of its property to a private entity or entities. Failed House 17-71.

SB 2145 – Would have appropriated money from the Game and Fish fund in the state treasury to the Game and Fish Department for the purpose of defraying expenses of the purchase of 5,225 acres of land (Eberts Ranch) in western North Dakota by the Parks and Recreation Department. Passed Senate 29-16. Failed House 21-70.

SB 2271 – A pheasant hunting season would have been held for youth ages 12-16 on the Friday before the opening of the regular pheasant season. Passed Senate 43-0. Failed House 29-61. An amendment was added to the Game and Fish appropriation bill, giving the Governor the option of holding a youth pheasant season the weekend prior to the regular pheasant opener.

SB 2376 – Would have decreased the requirement to obtain a gratis deer license to a minimum of 140 acres. Passed Senate 46-1. Failed House 7-84.

SB 2408 – Would have made it unlawful for an individual to hunt any wildlife that was tied, staked out, or caged. Senate withdrew from consideration.

GREG FREEMAN is the Game and Fish Department's news editor. He tracked legislation weekly during the 2005 session.